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March 30, 2016

Hon. William Alsup
United States District Court, Northern District of California
Courtroom 8 – 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Oracle America, Inc. v. Google, Inc.*
Case No. 3:10-cv-03561 WHA (N.D. Cal.)

Dear Judge Alsup:

Defendant Google hereby respectfully submits this précis letter requesting guidance from the Court concerning its procedural Orders regarding motions *in limine*.

On March 23, 2016, Google filed with the Court its six motions *in limine* pursuant to the 35-day briefing schedule set by the Court in its Order in Docket No. 1488. Those motions conformed to the Court's 50 page limitation for the six motions *in limine* due on that schedule.

With respect to the report of Dr. James Kearl, the Court-appointed expert, the Court identified a separate briefing schedule. *See* Docket Nos. 1333, 1509. Specifically, Dr. Kearl's report was not due until five days before the March 23 deadline for filing of motions *in limine* directed to party experts, and Dr. Kearl's deposition did not take place until the day of that deadline. Google therefore understood from the Court's Orders that motions challenging Dr. Kearl's opinions were not part of the 50 page, six motion limit.

Hon. William Alsup

March 30, 2016

Page 2

Based on that understanding, Google today at noon filed a separate motion directed at Dr. Kearl's report, as required by the schedule in Docket No. 1509. Shortly after filing its motion to strike portions of Dr. Kearl's report, Oracle contacted Google and informed Google of its view that Google's motion challenging Dr. Kearl was subject to and part of the 50 page, six motion limit and so should be withdrawn or stricken.

Google respectfully requests the Court's guidance as to the proper interpretation of the Court's Orders on this matter. If Google has not properly interpreted the Court's Orders on this matter, it apologizes and respectfully requests an opportunity to withdraw one of its motions *in limine* and otherwise conform the remaining motions to be within the page limitation. Google could file and serve these conformed versions within 48 hours.

Respectfully submitted,

KEKER & VAN NEST LLP

/s/ Christa M. Anderson

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CMA:dx